

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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PAUL D. CEGLIA,

Plaintiff,

v.

MARK ELLIOT ZUCKERBERG and
FACEBOOK, INC.,

Defendants.
----- x

Civil Action No. 1:10-cv-00569-RJA

**DECLARATION OF
AMANDA M. AYCOCK IN
SUPPORT OF DEFENDANTS'
MOTION TO DISMISS**

I, AMANDA M. AYCOCK, hereby declare under penalty of perjury that the following is true and correct:

1. I am an attorney licensed to practice law in the State of New York. I am an associate attorney at the law firm of Gibson, Dunn & Crutcher LLP ("Gibson Dunn"), counsel of record for Mark Elliot Zuckerberg and Facebook, Inc. ("Facebook") in the above-captioned matter. I make this declaration, based on personal knowledge, in support of Defendants' Motion to Dismiss.

2. Specifically, this declaration attaches, and contains descriptions of, three documents that Plaintiff Paul Ceglia has designated as "Confidential – Subject to Protective Order," pursuant to the Joint Stipulated Protective Order entered by this Court on July 13, 2011 ("Protective Order") (Doc. No. 86). Material that has been designated as "Confidential" by Ceglia has been redacted in the publicly-filed version of this declaration.

REDACTED

3. One week after Paul Ceglia and Mark Zuckerberg signed the StreetFax Contract on April 28, 2003, Ceglia entered into a different agreement with another individual. The

formatting and content of that contemporaneous contract corroborate the authenticity of the StreetFax Contract and further demonstrate that the Work for Hire Document is forged.

4. REDACTED

A true and correct copy of REDACTED
is attached hereto as Exhibit A.

5. REDACTED

6. REDACTED

7. REDACTED

8. REDACTED

9. REDACTED

Street

Fax LLC did not exist in April 2003. It was not created until August 2003. *See* Henne Decl. (Doc. No. 49-9), Ex. I (StreetFax LLC Articles of Organization).

“StreetFax Back-End Technical Specification”

10. On July 14, 2011, Plaintiff produced two documents for Defendants’ inspection pursuant to the Hard-Copy Document Inspection Protocol (Doc. No. 84). One of these documents was a six-page document entitled, “StreetFax Back-End Technical Specification,” dated April 28, 2003. A true and correct copy of this document is attached hereto as Exhibit B.

REDACTED

11. Stroz Friedberg found evidence that a hex editor or similar tool was used on the Ceglia Media to alter electronic documents. A hex editor is a type of program that allows a user to edit the binary contents of a file, which is the raw data that makes up a file, rather than the text of the file. Hex editors often are used to create fraudulent electronic documents because they allow for the manipulation of data at a level that makes traditional digital forensic analysis of the alterations to the document more difficult, if not impossible, to detect. *See* Report of Stroz Friedberg, LLC (Ex. A to the Declaration of Alexander H. Southwell dated March 26, 2012) (“Stroz Friedberg Report”) at 41.

12. Several electronic documents produced by Ceglia show the use of a hex editor. *See id.* at 41.

13. REDACTED

14. These documents were saved in file folders called REDACTED

See Stroz Friedberg Report at 41. REDACTED

REDACTED

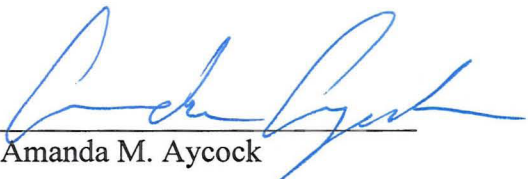
See Stroz Friedberg Report at 41.

- a. A true and correct copy of the document named REDACTED attached hereto as Exhibit C.
- b. A true and correct copy of the document named REDACTED attached hereto as Exhibit D.
- c. A true and correct copy of the document named REDACTED attached hereto as Exhibit E.
- d. A true and correct copy of the document named REDACTED attached hereto as Exhibit F.
- e. A true and correct copy of the document named REDACTED attached hereto as Exhibit G.
- f. A true and correct copy of the document named REDACTED attached hereto as Exhibit H.

15. In Stroz Friedberg's experience, electronic forgers commonly use such documents to test and/or conceal the effects of manipulating a document with a hex editor or similar tool.

See Stroz Friedberg Report at 42.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 26th day of March, 2012 at New York, New York.


Amanda M. Aycock